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ADMINISTRATIVE MEMORANDUM – PB 11-02

Original: July 30, 2010

Revised: September 14, 2010

TO: Lead Companies, Lead-Safe Companies, Lead Training Providers

FROM: Shelley Bruce, Supervisor
Asbestos & Lead Section, Bureau of Environmental & Occupational Health

SUBJECT: Asbestos-Containing Window Glazing & Caulk Policy

The Department of Health Services, Asbestos and Lead Section, is issuing Administrative Memorandum PB 11-02, effective immediately, to approve comparable compliance under asbestos rule, s. DHS 159.03 (1), Wis. Adm. Code, that allows certified lead abatement supervisors, lead abatement workers and lead-safe renovators to repair or replace residential windows or window sashes that contain non-friable glazing and/or caulk that remains non-friable during the window replacement/repair without also carrying separate asbestos abatement certification. This policy applies only to work on residential properties where:

- the certified lead personnel conduct their work in compliance with s. DHS 163.14, including work area containment, work practices, clean-up, waste handling and occupant protection requirements,
- the total amount of caulk and/or glazing disturbed or removed would fit in a single waste bag no larger than 60" x 60" properly filled and sealed,
- the glazing and/or caulk remains non-friable throughout. Caulk and glazing that remains pliant or that has hardened but can not be crumbled by hand pressure is considered non-friable.

Basis

Window glazing and caulk are considered asbestos-containing material under ch. DHS 159, Wis. Adm. Code, unless tested and proven not to contain asbestos. Glazing and caulk are usually considered non-friable unless deteriorated to the point that they may be crumbled or pulverized to powder by hand pressure or becomes friable during replacement/repair. Removing windows that have glazing or caulk is a regulated asbestos activity requiring the use of certified asbestos abatement workers or supervisors. Likewise, removing or disturbing windows in a pre-1978 house or child-occupied facility is a regulated lead activity under ch. DHS 163, Wis. Adm. Code, requiring training, certification and lead-safe work practices.

DHS has determined that the work practices and standards of care required to safely remove and handle windows under ch. DHS 163 are comparable to and essentially indistinguishable from those required when handling windows with asbestos-containing glazing or caulk under ch. DHS 159.

If Department staff determines that a person is not properly certified or has failed to follow work practice requirements under s. DHS 163.14 when working with windows containing glazing or caulk not proven to be asbestos-free, the Department may take appropriate enforcement action. Such enforcement may be based on the asbestos regulations in ch. DHS 159, the lead regulations in ch. DHS 163, or both.

Please note: The Department makes no claim that this administrative policy will be recognized by or acceptable to OSHA should OSHA inspect a renovation or lead abatement worksite where window glazing or caulk is disturbed by persons certified only to conduct lead work.